

**BEFORE THE ARIZONA STATE BOARD OF MASSAGE THERAPY**

In the Matter of

**JONITTA DONNAE COLLINS, LMT**

Board Case Nos. 19-104

Holder of License No. MT-02860P  
As a Massage Therapist  
In the State of Arizona

**CONSENT AGREEMENT  
FOR SURRENDER**

In the interest of a prompt and judicious settlement of this case, consistent with the public interest, statutory requirements and the responsibilities of the Arizona State Board of Massage Therapy ("Board") under A.R.S. § 32-4201, *et. seq.*, Jonitta DonNae Collins ("Respondent"), holder of Massage Therapist License Number MT-02860P in the State of Arizona, and the Board enter into the following Recitals, Findings of Fact, Conclusions of Law and Order ("Consent Agreement") as a final disposition of this matter.

**RECITALS**

1. Respondent has read and understands this Consent Agreement and has had the opportunity to discuss this Consent Agreement with an attorney, or has waived the opportunity to discuss this Consent Agreement with an attorney.

2. Respondent understands that Respondent has a right to a public administrative hearing concerning this matter, at which hearing Respondent could present evidence and cross examine witnesses. By entering into this Consent Agreement, Respondent knowingly and voluntarily relinquishes all right to such an administrative hearing, as well as rights of rehearing, review, reconsideration, appeal, judicial review or any other administrative and/or judicial action, concerning the matters set forth herein.

3. Respondent affirmatively agrees that this Consent Agreement shall be irrevocable.

4. Respondent understands that this Consent Agreement or any part of the agreement may be considered in any future disciplinary action by the Board against Respondent.

5. Respondent understands this Consent Agreement deals with Board case number 19-104 involving allegations that Respondent engaged in conduct that would subject Respondent to discipline under the Board's statutes and rules. The investigation into these allegations against Respondent shall be concluded upon the Board's adoption of this Consent Agreement.

6. Respondent understands that this Consent Agreement does not constitute a dismissal or resolution of any other matters currently pending before the Board, if any,

and does not constitute any waiver, express or implied, of the Board's statutory authority or jurisdiction regarding any other pending or future investigation, action or proceeding.

7. Respondent also understands that acceptance of this Consent Agreement does not preclude any other agency, subdivision, or officer of this State from instituting any other civil or criminal proceedings with respect to the conduct that is the subject of this Consent Agreement.

8. Respondent acknowledges and agrees that, upon signing this Consent Agreement and returning this document to the Board's Executive Director, Respondent may not revoke Respondent's acceptance of the Consent Agreement or make any modifications to the document regardless of whether the Consent Agreement has been signed by the Executive Director. Any modification to this original document is ineffective and void unless mutually agreed by the parties in writing.

9. This Consent Agreement is effective only when signed by the Executive Director on behalf of the Board.

10. If a court of competent jurisdiction rules that any part of this Consent Agreement is void or otherwise unenforceable, the remainder of the Consent Agreement shall remain in full force and effect.

11. Respondent understands that this Consent Agreement is a public record that may be publicly disseminated as a formal action of the Board and may be reported as required by law to the National Practitioner Data Bank or other such databases.

12. Respondent agrees that the Board will adopt the following Findings of Fact, Conclusions of Law and Order.

ACCEPTED AND AGREED BY RESPONDENT

  
Jonitta DonNae Collins

Dated: 10-24-18

#### FINDINGS OF FACT

1. The Board is the duly constituted authority for licensing and regulating the practice of Massage Therapy in the State of Arizona.

2. Respondent is the holder of license number MT-02860P to practice as a Massage Therapist in the State of Arizona.

3 On July 17, 2018, Respondent was indicted on three counts of illegal control of an enterprise, two counts of maintaining a house of prostitution, one count of receiving earnings of prostitution, and one count of prostitution, all of which are felony charges.

4. On May 24, 2018, Respondent entered a plea of guilty to the offense of attempt to commit illegal control of an enterprise, a class four felony.

5. On July 9, 2018, Respondent was sentenced to two years supervised probation beginning on that date. As a term of the probation, Respondent is not to work in the massage industry.

6. Respondent did not notify the Board of her arrest or conviction within ten days.

#### **CONCLUSIONS OF LAW**

1. The Board possesses jurisdiction over the subject matter and over Respondent pursuant to A.R.S. § 32-4201 *et seq.*

2. The Board possesses statutory authority to enter into a consent agreement with a massage therapist and accept the surrender of an active license from a massage therapist who admits to having committed an act, which would subject the licensee to discipline under the Board's statutes or rules. *See* A.R.S. § 32-4254(O)(2).

3. The conduct and circumstances described in the above Findings of Fact constitute grounds for discipline pursuant to A.R.S. § 32-4253(A)(1) (failing to meet or maintain the requirements for an original license under A.R.S. § 32-4222(A)), namely, conviction of a felony.

4. The conduct and circumstances described in the above Findings of Fact constitute grounds for discipline pursuant to A.R.S. § 32-4253(A)(4) (being convicted of a felony).

5. The conduct and circumstances described in the above Findings of Fact constitute grounds for discipline pursuant to A.R.S. § 32-4253(A)(10) (engaging in conduct that could harm the public).

6. The conduct and circumstances described in the above Findings of Fact constitute grounds for discipline pursuant to A.R.S. § 32-4253(A)(16) (failing to adhere to the recognized standards and ethics of the profession).

7. The conduct and circumstances described in the above Findings of Fact constitute grounds for discipline pursuant to A.R.S. § 32-4253(A)(23) (violating Board statutes, rules, or orders).

8. The conduct and circumstances described in the above Findings of Fact constitute grounds for discipline pursuant to A.R.S. § 32-3208 (requiring health professionals to disclose felony charges to the Board within ten days) and A.R.S. § 32-4225(D) (requiring massage therapists to disclose felony convictions to the Board within ten days).

#### **ORDER**



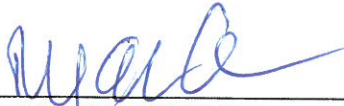
IT IS HEREBY ORDERED that License Number MT-02860P issued to Jonitta DonNae Collins to practice as a massage therapist in the State of Arizona is hereby SURRENDERED.

DATED this <sup>26th</sup> ~~3rd~~ day of November, 2018.

ARIZONA STATE BOARD OF MASSAGE  
THERAPY

(Seal)

By: \_\_\_\_\_

  
RYAN EDMONSON  
Executive Director

ORIGINAL OF THE FORGOING FILED  
this 26th day of November, 2018, with:

Arizona State Board of Massage Therapy  
1740 West Adams, Suite 3401  
Phoenix, Arizona 85007

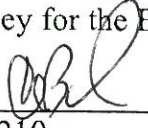
EXECUTED COPY OF THE FOREGOING MAILED/E-MAILED  
this 26th day of November, 2018, to:

Jonitta DonNae Collins  
Address of Record 11391 W. Pima Street  
Respondent AVONDALE, ARIZONA 85323

Richard Gaxiola  
Richard@richardgaxiolalaw.com  
Attorney for Respondent

Michael Raine  
Assistant Attorney General  
Michael.Raine@azag.gov  
Attorney for the Board

By: \_\_\_\_\_

  
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